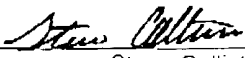


CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached was transmitted via facsimile transmission to TC1600, via facsimile number (703) 872-9306, on this October 15, 2002.


Steve Callistein
10/15/02
Date

Attorney Docket No. 1365

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Donald Lee Morrow Date: October 15, 2002
Serial No.: 09/760,156 Group Art Unit: 1638
Filed January 12, 2001 Examiner: David H. Kruse
For: "INBRED MAIZE LINE PH5DR"

Assistant Commissioner for Patents
Washington, D.C. 20231


TRANSMITTAL LETTER

Enclosed herewith is an Amendment and Request for Reconsideration Under 37 CFR §. 1.111 to Office Action Mailed July 16, 2002

Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Serial No.: 09/760,156
Group Art Unit: 1638

Respectfully submitted,
Donald Lee Morrow

By 
Steve Callistein
Attorney for Applicant
Registration No. 43,525

Pioneer Hi-Bred International, Inc.
7100 NW 62nd Avenue
PO Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 253-2823
Facsimile: (515) 334-6883

AUG - 5 2002

ATCC

10801 University Blvd • Manassas, VA 20108-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc
Attn: Kim M. Hagemann
7100 NW 52nd Avenue
PO Box 1000
Johnston, IA 50131-1000

DOCKETED

JUL 18 2002

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc

Date of Receipt of Seeds by the ATCC:

July 8 2002

Scientific Description**Depositor's Reference****Patent Deposit Designation**

Inbred corn (maize) seed (B3CINN*1173-00 UNS) PH5DR - 134-5

PTA-4525

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested July 16, 2002 and were viable.

American Type Culture Collection

By: Maria Harris
Maria Harris, Patent Specialist
ATCC Patent Depository

Date: July 30, 2002

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 254-2823
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FAX RECEIVED

OCT 15 2002

GROUP 1800

TO: Assistant Commissioner for Patents

FROM: Steve Callistein

RE: INBRED MAIZE LINE PH5DR

DATE: 10/15/02 FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 71

COMMENTS:

Transmittal Letter – 2 pages
Amendment and Request For Reconsideration – 29 pages
Attachment (Appendix A) – 27 pages
Attachment (Appendix B) – 12 pages
ATCC letter – 1 page

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